



JSSN: 09/855,342  
Atty. Dkt. No.: PL15993.002  
2300-15993

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

CALIGIURI et al.

Confirmation No.: 8842

Serial No.: 09/855,342

Group Art Unit: 1643

Filing Date: May 14, 2001

Examiner: S. Rawlings

Title: METHODS OF THERAPY FOR CANCERS CHARACTERIZED BY  
OVEREXPRESSION OF THE HER2 RECEPTOR PROTEIN

**DECLARATION OF MICHAEL A. CALIGIURI, NEAL J. MEROPOL, L.,  
AND RICHARD L. SCHILSKY**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

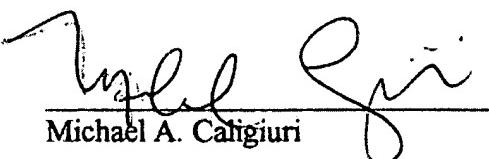
Sir:

We, Michael Caligiuri, Neal J. Meropol, and Richard L. Schilsky hereby declare as follows:

1. We are coinventors of the subject matter disclosed and claimed in the above-referenced patent application, U.S. Serial No. 09/855,342, filed May 14, 2001, claiming the benefit of U.S. Provisional Application Serial No. 60/204,284, filed May 15, 2000. Michael Caligiuri and Neal J. Meropol are also coauthors on Fleming et al., "Phase I Trial of Recombinant Human Anti-Her2 Monoclonal Antibody (H) Plus Low-Dose Interleukin-2 (IL-2) in Patient with Solid Tumors" *Abstract No. 710, Program Proceedings, American Society of Clinical Oncology 35<sup>th</sup> Annual Meeting, 1999* ("Fleming et al.").
2. The portions of Fleming et al. relevant to the present invention originated from us. The noninventor coauthors on Fleming et al., namely, G.F. Fleming, D.R. Hollis, G.L. Rosner, P.M. Fracasso, J.A. Sosman, L. Tkaczuk, E.G. Levine, C. Rhoades, W.E. Carson, and M.J. Ratain, did not conceive of the subject matter claimed in the above-identified patent application.

3. We declare that all statements made herein of our own knowledge are true and all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 8/28/06

  
\_\_\_\_\_  
Michael A. Caligiuri

Date: \_\_\_\_\_

Neal J. Meropol

Date: \_\_\_\_\_

Richard L. Schilsky

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Date: \_\_\_\_\_

Michael A. Caligiuri

Date: 8/24/03

Neal J. Meropol

Neal J. Meropol

Date: \_\_\_\_\_

Richard L. Schilsky

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Date: \_\_\_\_\_

Michael A. Caligiuri

Date: \_\_\_\_\_

Neal J. Meropol

Date: 6/14/02

Richard L. Schilsky

